IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5016 of 1997

For Approval and Signature:

THE HON'BLE SMT. JUSTICE ABHILASHA KUMARI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAGURAJSINH P CUDASMA - Petitioner(s)
Versus
DIVISIONAL CONTROLLER & 2 - Respondent(s)

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Appearance :
MR YM THAKKAR for Petitioner(s) : 1,

MR JM BAROT for Respondents

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CORAM : THE HON'BLE SMT. JUSTICE ABHILASHA KUMARI

Date : 17/02/2006

ORAL JUDGMENT

The present writ petition has been filed by the petitioner being aggrieved by order dated 4.7.1997 whereby he has been transferred and reverted to the post of conductor. In brief the case of the petitioner is that vide order dated 13.5.1997, the Divisional Controller, Jamnagar promoted the petitioner as Traffic Controller on purely temporary and ad hoc basis. Reply has been filed by the respondent Nos.1 and 2. It is stated in the reply that the temporary and ad hoc promotion of the petitioner as Traffic Controller was withdrawn in view of an inquiry which was pending against him.

This Court vide order dated 12.8.1997 was of the view that in view of the pending departmental inquiry against the petitioner, it is not a fit case in which interim relief could be granted. It was directed that the respondents shall complete the departmental inquiry against the petitioner within a period of 6 months from the date of that order. If the petitioner was aggrieved, he would be at liberty to press for interim relief.

Shri Thakkar,learned counsel for the petitioner, represents that by now the inquiry, as ordered by

this court vide order dated 12.8.1997, must have been complete. The record of the case shows that the petitioner has not filed any application for any further relief after the passing of the said order. In view of the order dated 12.8.1997, this petition has become infructuous. Accordingly this petition is dismissed as having become infructuous. The petitioner is at liberty to assail the order in the inquiry, if any, before appropriate forum, if aggrieved. Rule is discharged. No order as to costs.

(Smt.Abhilasha Kumari,J)

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